

**SNOHOMISH COUNTY
Charter Review Commission**

**Wednesday June 7, 2006
First Floor Meeting Room No.1
County Administration Building East
Everett, WA**

Commission Members Present: Gail Rauch, Mike Cooper, Ryan Larsen, David Simpson, Christine Malone, Mark Bond, Jim Kenny, Kristin Kelly, Eric Earling, Wendy Valentine, Barbara Cothorn Hawksford, and Diane Symms.

Commission Members Excused: Rick Ortiz, Rene Radcliff Sinclair.

Staff Present: Rich Davis, Steve Reinig, Allena Olson

Others in Attendance: Patrick McMahan, Evelyn Spencer, Geri Modrell, Paul Blowers, Tony Greene, Janet Chalupnik, Joan Chelminiak

Call to Order: Chair Cooper called the meeting to order at 6:31 p.m.

Approval of Agenda: ACTION: Commissioner Rauch made a motion to approve the agenda. Commissioner Earling seconded the motion, and all Commission members present unanimously approved it.

Approval of Minutes: Corrections were requested to several pages of notes from the meeting of May 31st.

ACTION: Commissioner Hawksford made a motion to approve the minutes, of May 31st, as corrected. Commissioner Valentine seconded the motion, and all Commission members present unanimously approved it.

Approval of Vouchers: ACTION: Commissioner Simpson made a motion to approve the reimbursement vouchers of the Commissioners and staff, with a total of \$5,495.49. Commissioner Kelly seconded the motion, and all Commission members present unanimously approved it.

Public Comment: Pat McMahan, handed out written comments to the Commission, and spoke on his opposition to using a trigger number to increase the size of the County Council. His handout provided a time frame for the increase of the county council. He mentioned that this setup follows closely with Section 6.40 of the Charter. Mr. McMahan also suggested that it be stated in the Charter that the Council may not be increased again until 2040.

Mr. Paul Blowers stated that he was not in favor of expanding the Council, that the cities will be taking on more work with the population being put into the city limits. Mr. Blowers stated that he did not think that comparing Marysville to Snohomish County was a good comparison when looking at the number of Council members; he stated that was like comparing apples and oranges. Mr. Blowers spoke on the increase of his property taxes, that they had risen 40% while nothing about the property had changed. He stated that he feels the Sheriff, Assessor and the Auditor should be elected and partisan positions. Mr. Blowers also spoke on the topic of moving Court security under the Sheriff, he stated the he is also in favor of having the Sheriff in control of the Corrections department.

Mr. Tom Greene from the Sheriff's Department spoke on behalf of the Sheriff. He stated that the Sheriff supports the new RCW on moving the court security to be under the Sheriff's jurisdiction. He stated that adjusting the current set up would solve many problems, one of those problems being that the Marshal's currently feel that they do not receive enough current training, and by putting them under the Sheriff they would receive the same amount of training as the Sheriff's deputies. He also mentioned that moving these securities would not have a significant impact financially.

Commissioner Simpson asked Mr. Greene what type of training would increase if the Marshal's were moved under the Sheriff.

Mr. Greene replied that as it stands the Marshal's are currently getting brief training in fire arms and unarmed arrest tactics, and that if they were to be moved they would receive more training on overall arrest capabilities and would receive the same amount of training as the current Sheriff's deputies.

Commissioner Symms asked that while this is currently not mentioned in the Charter, could the County Council move these departments under the Sheriff without the instruction to do so from the Commission.

Mr. Greene replied the move could be done by ordinance, but that this topic was on the schedule of the Commission and the Sheriff wished to comment on it.

Commissioner Hawksford asked if there was a study going on of how moving these departments would improve the situation and what exactly the Sheriff's department was recommending.

Mr. Greene replied the departments had participated in a survey, yet they had not seen the report. He stated that the bottom line is that security needs to be handled in one place, so that the responsibility is clear.

Commissioner Rauch asked if this move would include the security from the Denny youth detention facility.

Mr. Greene replied it would, that the security at Denny was made up of Marshal's that rotated.

Ms. Janet Chalupnik from the Snohomish County Chapter of the League of Women voters, spoke on the issue of transparency of government. She stated that the League was in support of more government transparency, although they are not in support of the specific timelines mentioned. She stated that people are not participating, and that confidence is waning. Ms. Chalupnik said the League is also in support of a County Ombudsman, in the hopes that this would increase the confidence of the voters.

Commissioner Earling asked if it was the League's perception that there is a lack of voter participation, and confidence in the government.

Ms. Chalupnik replied that it was the League's perception that there is a severe lack of confidence.

Chair's Comments: Chair Cooper noted that the schedule of issues had been revamped, and that it appears to be workable. He also mentioned that the notation of E-1 on the schedule means that the meetings would be held in the sixth floor conference room that day.

Commissioner Kelly requested that the discussion on transparency of government be moved from the date of June 21st because she would be absent that day.

Chair Cooper stated that they had put the topic on this day to work around the absence of Commissioner Valentine, but that they would juggle things around so that it could be discussed when both Valentine and Kelly would be in attendance.

Commissioner Earling made note that there was an accidental omission on the schedule, and that issues 17,24, and 48, which happen to all be misc. technical issues, would be discussed on the 28th of June.

Motions to Add: ACTION: Commissioner Kelly made a motion to add to the calendar an issue to include specific language that would set standard night meetings for the County Council, and allow for public comment at those meetings. Commissioner Valentine seconded the motion, and discussion on the motion began.

Commissioner Kelly stated that she had gone out to talk to the public on this topic and that the consensus is that they feel it is an important topic. She stated that there is an unfair advantage to special interest groups when the meetings are only held during the day.

Commissioner Earling stated that he would vote against this motion, that he felt this could be combined with the issue of transparency of county operations.

Commissioner Valentine stated that she was in favor of the motion, although she thought it could be combined with the issue of transparency also.

ACTION: The Commissioners voted with the outcome being 4 in favor and 9 against. The motion fails.

Commissioner Hawksford asked if the motion failing meant that they could not add this to issue #5.

Chair Cooper stated that it would still be appropriate to add this to the final language of #5.

Issue Debate: #2 Size of the County Council. Steve presented the Commission with a briefing paper on this topic. The briefing paper included information on what articles of the Charter this would impact, which would be Districting Committee article 2, 2.30; Charter Review Commission article 8, 8.20; and Transitional provisions article 11. The paper also held attachments, which included information on 2025 GMA population forecasts and a chart of comparisons of home rule counties members/staff/budget.

The briefing paper also stated the three options the Commission has to vote for, which are; no change to the Charter, Increase the Council at a present population trigger, or increase the Council size at the present time.

DISCUSSION: Chair Cooper wished to clarify from an earlier discussion on the original plans of the offices on the 8th floor, that it was originally drafted that there would be 7 offices, but in fact there are only 6 offices and 1 work station.

Commissioner Hawksford wished to address a topic that keeps arising about the representation by Council members. She stated that Council members do indeed represent the people that reside in the incorporated areas of the County and that she did not want this to be a continued misconception.

Commissioner Kenny stated that he was in favor of increasing the Council size to 7 members. He noted that the other home rule counties had councils of 7 or 9 members. He noted that on the cities comparison chart that most of the smaller Snohomish County cities had 5 members while all of the larger ones had 7. Commissioner Kenny stated that as a resident of an unincorporated area of the county, he currently has to compete with 135,000 other people for the attention of his council member, which would be reduced to about 100,000 if the size increased from 5 to 7. He stated that to keep things simple, the increase should occur now, and we should not wait for a trigger population. He stated that previous comparisons to the state legislature on this issue fail because while each legislative district elects three legislators (2 representatives and 1 senator) to represent it in Olympia, while council district only gets one council member. He stated that a 7-member council allows for better council subcommittees and more representation to

attend intercounty governmental meetings. He acknowledged the \$400,000+ cost of the idea, but said that is the cost of good representation.

ACTON: Commissioner Kenny made a motion to move this issue forward with no trigger number. Commissioner Larsen seconded the motion, and discussion on the motion began.

DISCUSSION: Commissioner Halvorson stated that she was against this motion, that there is no viable business reason to expand for greater representation. She asked the Commission to look at attachment two and asked how much better the representation might be for the \$400,000 it is going to cost to increase the Council size. She stated that nowhere has there been support from the public on this topic, and while it may be necessary in 2015 it is not now.

Commissioner Kelly stated that she is against this motion, and the voters will not support the cost of additional council members. She suggested instead that there be more aides hired in order to get more work done at a smaller cost. Commissioner Kelly stated the three out of five Council members were against increasing the Council size, and that if there were to be a trigger set in place, it should be a much greater number. She wonders if 7 members really will be more efficient, and one of her concerns is that with 7 Council members it will be more difficult for the public to have an issue or concern brought to the table as they will have to lobby 7 people instead of 5.

Commissioner Rauch stated that she was not in favor of the motion. Her biggest concern being the cost, that the voters care more about the cost than how many people there are representing them.

Commissioner Bond stated that he doesn't think that the public would be in favor of this, but what is the harm in putting it on the ballot and have them vote on it instead of taking guesses on how they will vote will pass it. He also stated that if money is the biggest concern than why not bump the Council down to three members and then take the money being saved on that and bank it.

Commissioner Simpson stated that he is in favor of increasing the council size to 7. He stated that it is important to provide people with every avenue available, and that an increase in the size of the County would be nothing more than good government.

Chair Cooper stated that he is in favor of increasing the Council size, and that doing so would be good government. He said that the voters could decide whether they want to spend their money on officials of bureaucrats, but that the bottom line is that there is going to be additional money spent on one of them.

Commissioner Kelly stated that there are many towns that wish to annex, which would cut down on the number of individuals in unincorporated areas, and that it is true that the Council would still represent these people, the county does nothing for sidewalks, schools, parks, etc.

Commissioner Hawksford stated that she is in favor of the motion, and that she thinks that it would be timely, that the population will continue growing by leaps and bounds, and that we need diversity of Council.

Commissioner Larsen stated that he is in favor of the increase, that the issue of it being difficult to lobby 7 members vs. 5 is not true, and that there are several towns that have stopped the annexation process and are not eager to proceed with it at this point.

ACTION: Commissioner Earling made a motion to end discussion. Commissioner Larsen seconded the motion, and all Commissioners present unanimously approved it.

The Commissioners then voted on the motion to move issue #2 forward with no trigger number. The motion failed with a 7 to 6 vote, the individual votes are as follows:

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|-----------------|-----------------|
| Halvorson – nay | Rauch – nay |
| Larsen – aye | Simpson – aye |
| Symms – nay | Malone – aye |
| Cooper – aye | Earling – aye |
| Bond – nay | Hawksford – aye |
| Kenny – aye | Kelly – nay |
| Valentine – nay | |

Issue #47 Moving Courthouse Security and Marshals from the Executive to the Sheriff. Steve presented the Commissioners with a briefing paper on this topic that includes information on the current system in Snohomish County, systems held by other Counties, and contributing factors that brought this issue to light. The briefing also paper mentions the current budget of each of the sections. The three options available for the Commission are as follows, they can vote to maintain the current system, move the marshals and security services to the Sheriff, or allow the consultant process outlined in the attached memo to complete their work and then have the Executive and Council make a decision and implement.

DISCUSSION: Commissioner Bond stated that currently the security at the courthouse is not where it needs to be and that it is time to get it there, for the safety of everyone involved. Citizens assume the Sheriff is responsible because this seems like the most likely allocation, and that should tell you something. He stated that there was a question about whether or not this is a Charter issue, and that after looking into it at more detail he feels that it is a Charter issue because it is a public issue.

Commissioner Larsen stated that he opposed this measure because he does not feel that this is an issue for the Charter. It is not within the Charter's guidelines to dictate which department goes where.

Commissioner Earling concurred with Commissioner Larsen's thoughts that while this issue does need to be resolved, this is not an issue for the Commission to decide on.

ACTION: Commissioner Earling made a motion to not move this issue forward, but to include a recommendation in their transmission to the Council, that this issue should be resolved. Commissioner Larsen seconded the motion, and discussion on the motion began.

Commissioner Kelly stated that she does not see the difference in the Commission putting in the Charter where the Performance Auditor should reside and deciding where the courthouse security should reside.

Commissioner Earling stated the difference between the two is that there is a problem with the security set up and the County Council is looking into it, while the Council is not addressing the problem with the Performance Auditor, and needs to be handled in a different manner.

Commissioner Kenny stated that he would vote against the motion, that he supported Commissioner Bond, and that he thinks that all the security should be placed under the Sheriff.

Chair Cooper stated that he was in support of Commissioner Earling's motion and that he agrees that if Commissioner Earling's motion passes that they should strongly urge the Council, in their transmission, to move the securities to the Sheriff's department.

Commissioner Symms stated that she sees the problem, and understands the Sheriff's point of view, but is in agreement with Commissioner Earling and Chair Cooper that this is not a Charter issue. She also stated that it is her wish to remove politics from this issue and that the Commissioners should stress this point in their letter to the Council.

Commissioner Valentine stated that she agrees with Commissioner Symms, that it does seem political and would like to see there be more public participation.

Chair Cooper asked if there was any more discussion on this topic.

There was no more discussion, and so the Commission voted on the motion made by Commissioner Earling and seconded by Commissioner Larsen. The motion passed with a vote of 10 to 3, with the individual votes as follows:

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|-----------------|-----------------|
| Halvorson – aye | Rauch – aye |
| Larsen – aye | Simpson – aye |
| Symms – aye | Malone – aye |
| Cooper – aye | Earling – aye |
| Bond – nay | Hawksford – aye |
| Kenny – nay | Kelly – nay |
| Valentine – aye | |

Issue #37 County Ombudsman. Steve presented the Commission with a briefing paper which included the definition of Ombudsman services which is as follows, an “Ombudsman has jurisdiction to investigate complaints about the administrative conduct of executive branch agencies including the department of Assessments and the Sheriff’s office. We investigate complaints that assert a County agency or employee is acting in a manner that is unfair arbitrary, inconsistent or contrary to law. The briefing paper also offered details to be considered if this were to be put on the ballot, such as where would the ombudsman be placed, and how would they be chosen. The options offered to the Commission are, no change to the current system, or to create a county ombudsman office.

DISCUSSION: Chair Cooper if it was correct that in the current Charter the County Council has the authority to create an ombudsman position.

Steve replied that it was his belief that was correct.

Chair Cooper stated that by the definition of the Ombudsman it is the current Council that would handle such situations in Snohomish County.

Commissioner Symms requested more information on what the impact of creating an ombudsman position might be.

Commissioner Hawksford stated that it is true that in Snohomish County the citizens go to the Council members with problems of inquiries of this nature.

Commissioner Rauch stated that it was her experience that the officials handled the complaints on their own without an appeal process necessary.

Commissioner Earling stated that he was in support of the issue, and that he would like to assess where the current charter is at in responding to the complaints of citizens.

Commissioner Halvorson stated that the whistleblower issue, which was of a similar nature did not pass, and she would like to know if the individual, whom came forward with the complaint, would be protected or if all their information would be disclosed as it is now.

Steve replied that he believed that the ombudsman operated under full disclosure.

Chair Cooper asked how this would change the power of the County Council.

Steve replied that it would not be any different than what it is now.

Commissioner Kelly stated that she is in support of the ombudsman, and that she feels that there will be many issues addressed that an ombudsman would be helpful with. She stated her desire to see someone currently outside of politics appointed to this position.

Commissioner Bond stated his concern that this position would remain outside of politics if it were an appointed position.

Commissioner Hawksford stated that it was her experience that when there was an ombudsman that individual and the Executive tended to walk all over each other.

Commissioner Earling asked Steve if it would be possible to have someone appointed by the legislative body but have the department be located out side their control, and have the term staggered.

Steve replied that would be a possible scenario.

Commissioner Rauch stated that it would be hard to keep the politics out of it, and the legislative body could simply refuse to fund it.

Commissioner Larsen asked if the Charter allows the Council to appoint the ombudsman.

Steve replied that the Charter does allow the Council to appoint the ombudsman.

Commissioner Halvorson stated that she would like to have more information regarding the cost issue, and the placement of the ombudsman.

ACTION: Commissioner Symms made a motion to not move this issue forward.
Commissioner Rauch seconded the motion

ACTION: Commissioner Larsen made a motion to extend the meeting five minutes.
Commissioner Simpson seconded the motion, and all Commission members present unanimously approved it.

Commissioner Kenny stated that he was not in favor of the motion. He stated that originally he was ambivalent to the idea of the ombudsman but after hearing all the information presented he sees that they would have the capability to investigate other departments and he thinks that it would be a valuable service to the voters. He also stated that while the Council currently has the ability to create an ombudsman position he doesn't think that they will.

ACTION: Commissioner Earling made a motion to amend the previous motion and not move forward with the creation of the language but continue with the research.

ACTION: Commissioner Hawksford made a motion to table the issue of the ombudsman.
Commissioner Valentine seconded the motion and the issue was tabled on a voice vote.

ACTION: Commissioner Symms made a motion to extend the meeting 5 minutes. Commissioner Earling seconded the motion, and all Commissioners present unanimously approved it.

Administrative report: Steve stated that he was currently busy preparing the briefing papers for next week, and that the current survey was reposted and has had good participation so far.

Commissioner Hawksford asked Steve to collect additional information on other counties that currently had an ombudsman, as she was not content to have King Counties experience dictate the experience of an ombudsman.

Commissioner Halvorson requested that Steve find more language on the whistle blower issue.

Commissioner Symms requested a better definition of outcomes that an ombudsman can produce, and clarification of their scope of abilities.

Adjournment: The meeting was adjourned at 8:40 p.m.

Minutes Submitted by:

Allena Olson
Recorder